

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHEN W. NOEL,

Defendant.

CASE NO. CR20-0034-JCC

ORDER

This matter comes before the Court on Defendant Stephen Noel's unopposed motion to continue the trial and pretrial motions deadline (Dkt. No. 16). The current pretrial motions deadline is September 9, 2020 and the current trial date is October 19, 2020. (*See* Dkt. No. 10.) Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Mr. Noel requests that the Court continue trial until August 13, 2021 because Mr. Noel requires additional time to confer with his counsel due to restrictions on visitation at the Federal Detention Center and because the Government has produced over 15,000 pages of discovery that Mr. Noel needs additional time to review. (*See* Dkt. No. 16 at 2.) Mr. Noel also cites "court congestion" as a reason for a continuance. (*Id.*)

The Court also, *sua sponte*, considers the context in which this motion arises. Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See*

1 General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court
2 incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an
3 adequate spectrum of jurors to represent a fair cross section of the community, and public health
4 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in
5 the courtroom. (*See generally id.*)

6 Having thoroughly considered the briefing and the relevant record, the Court FINDS that
7 the ends of justice served by granting a continuance outweigh the best interests of Mr. Noel and
8 the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 9 1. Mr. Noel needs additional time to review discovery from the Government and confer
10 with his counsel. Therefore, the failure to grant a continuance would deny Mr. Noel
11 reasonable time necessary for effective preparation. *See* 18 U.S.C.
12 § 3161(h)(7)(B)(iv).
- 13 2. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
14 spectrum of jurors to represent a fair cross section of the community, which would
15 likely make proceeding on the current case schedule impossible or would result in a
16 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 17 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
18 Court staff to be present in the courtroom. Therefore, proceeding with the current trial
19 date would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

20 The Court's findings are not based on court congestion.

21 Accordingly, the Court ORDERS:

- 22 1. The October 19, 2020 jury trial is CONTINUED until August 9, 2021.
- 23 2. The September 9, 2020 pretrial motions deadline is CONTINUED until July 1, 2021.
- 24 3. The period from the date of this order until August 9, 2021 is an excludable time
25 period under 18 U.S.C. § 3161(h)(7)(A).

26 //

1 DATED this 14th day of October 2020.

2
3
4 

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26